

Calendar No. 485

104TH CONGRESS
2^D Session

S. 1226

[Report No. 104-310]

A BILL

To require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes.

JUNE 28, 1996

Reported with an amendment and an amendment to the title

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To require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1995

Mr. JEFFORDS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 28, 1996

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—REVOLUTIONARY WAR**
2 **AND WAR OF 1812 HISTORIC**
3 **PRESERVATION STUDY**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Revolutionary War
6 and War of 1812 Historic Preservation Study Act of
7 1995”.

8 **SEC. 102. FINDINGS.**

9 Congress finds that—

10 (1) Revolutionary War sites and War of 1812
11 sites provide a means for Americans to understand
12 and interpret the periods in American history during
13 which the Revolutionary War and War of 1812 were
14 fought;

15 (2) the historical integrity of many Revolution-
16 ary War sites and War of 1812 sites is at risk be-
17 cause many of the sites are located in regions that
18 are undergoing rapid urban or suburban develop-
19 ment; and

20 (3) it is important, for the benefit of the United
21 States, to obtain current information on the signifi-
22 cance of, threats to the integrity of, and alternatives
23 for the preservation and interpretation of Revolu-
24 tionary War sites and War of 1812 sites.

1 **SEC. 103. DEFINITIONS.**

2 In this title:

3 (1) **DIRECTOR.**—The term “Director” means
4 the Director of the National Park Service.

5 (2) **REVOLUTIONARY WAR SITE.**—The term
6 “Revolutionary War site” means a site or structure
7 situated in the United States that is thematically
8 tied with the nationally significant events that oc-
9 curred during the Revolutionary War.

10 (3) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior.

12 (4) **WAR OF 1812 SITE.**—The term “War of
13 1812 site” means a site or structure situated in the
14 United States that is thematically tied with the na-
15 tionally significant events that occurred during the
16 War of 1812.

17 **SEC. 104. STUDY.**

18 (a) **PREPARATION.**—The Secretary, acting through
19 the Director, shall prepare a study of Revolutionary War
20 sites and War of 1812 sites.

21 (b) **MATTERS TO BE ADDRESSED.**—The study under
22 subsection (a) shall—

23 (1) identify Revolutionary War sites and War of
24 1812 sites, including sites within units of the Na-
25 tional Park System in existence on the date of en-
26 actment of this Act;

1 (2) determine the relative significance of the
2 sites;

3 (3) assess short- and long-term threats to the
4 integrity of the sites;

5 (4) provide alternatives for the preservation and
6 interpretation of the sites by Federal, State, and
7 local governments, or other public or private entities;
8 including designation of the sites as units of the Na-
9 tional Park System; and

10 (5) research and propose land preservation
11 techniques.

12 (c) CONSULTATION.—During the preparation of the
13 study under subsection (a), the Director shall consult
14 with—

15 (1) the Governor of each affected States;

16 (2) each affected unit of local government;

17 (3) State and local historic preservation organi-
18 zations;

19 (4) scholarly organizations; and

20 (5) such other interested parties as the Sec-
21 retary considers advisable.

22 (d) TRANSMITTAL TO CONGRESS.—Not later than 2
23 years after the date on which funds are made available
24 to carry out the study under subsection (a), the Director
25 shall transmit a report describing the results of the study

1 to the Committee on Resources of the House of Represent-
 2 atives and the Committee on Energy and Natural Re-
 3 sources of the State.

4 (e) REPORT.—If the Director submits a report on the
 5 study to the Director of the Office of Management and
 6 Budget, the Secretary shall concurrently transmit copies
 7 of the report to the Committee on Resources of the House
 8 of Representatives and the Committee on Energy and
 9 Natural Resources of the Senate.

10 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
 12 this title \$750,000, to remain available until expended.

13 **TITLE II—AMERICAN BATTLE-**
 14 **FIELD PROTECTION PRO-**
 15 **GRAM**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “American Battlefield
 18 Protection Act of 1995”.

19 **SEC. 202. PURPOSE.**

20 The purpose of this title is to assist citizens, public
 21 and private institutions, and governments at all levels in
 22 planning, interpreting, and protecting sites where historic
 23 battles were fought on American soil during the armed
 24 conflicts that shaped the growth and development of the
 25 United States, in order that present and future genera-

1 tions may learn and gain inspiration from the ground
 2 where Americans made their ultimate sacrifice.

3 **SEC. 203. DEFINITIONS.**

4 In this title:

5 (1) **BATTLEFIELD.**—The term “battlefield”
 6 means an area that is listed (or is eligible for listing)
 7 in the National Register of Historic Places, or in a
 8 comparable State or local register for historic prop-
 9 erties, consisting of—

10 (A) lands, waters, or interests therein, and
 11 improvements thereon, where armed conflict oc-
 12 curred; and

13 (B) lands, waters, or interests therein, and
 14 improvements thereon in the immediate vicinity
 15 where combatants prepared for, advanced to-
 16 ward, or retreated from the conflict,
 17 including any lands, waters, interests, and improve-
 18 ments adjacent to or related to the area that are
 19 necessary to protect and interpret the history of the
 20 area for the benefit of present and future genera-
 21 tions.

22 (2) **SECRETARY.**—The term “Secretary” means
 23 the Secretary of the Interior, acting through the Di-
 24 rector of the National Park Service.

1 **SEC. 204. PRESERVATION ASSISTANCE.**

2 (a) ~~IN GENERAL.~~—The Secretary may study and pro-
3 vide technical and financial assistance for the planning;
4 identification, interpretation, stabilization, and acquisition
5 of American battlefields in furtherance of the purposes of
6 this title.

7 (b) ~~ASSISTANCE UNDER OTHER LAW.~~—Assistance
8 under this title shall be supplemental to any other assist-
9 ance provided under any other law.

10 (c) ~~COOPERATIVE AGREEMENTS.~~—

11 (1) ~~PURPOSE.~~—The Secretary shall provide as-
12 sistance under this title by means of cooperative
13 agreements.

14 (2) ~~CONTENTS.~~—A cooperative agreement shall
15 contain—

16 (A) an agreement on the part of the direct
17 beneficiary of financial assistance that, for the
18 period of time specified by the Secretary—

19 (i) no alteration will be made in the
20 property for which the assistance is pro-
21 vided without the concurrence of the Sec-
22 retary; and

23 (ii) reasonable public access will be
24 permitted to the property for interpretive
25 and educational purposes; and

1 ~~(B)~~ such other terms and conditions as the
 2 Secretary deems appropriate to protect the pub-
 3 lic interest and to further the purposes of this
 4 title.

5 ~~(d) PERSONS ELIGIBLE FOR ASSISTANCE.—~~The Sec-
 6 retary may provide assistance under this title directly to
 7 Federal, State, and local governments, tribal governments,
 8 public and private institutions, individuals, corporations,
 9 groups, or any other interested person or entity.

10 ~~(e) INELIGIBLE PROJECTS.—~~No financial assistance
 11 may be provided under this title—

12 ~~(1)~~ for acquisition or stabilization of land or an
 13 interest in land or improvements on land unless the
 14 Secretary determines that there is in effect and ap-
 15 plicable to the battlefield in which the land is located
 16 a battlefield protection plan that supports the pres-
 17 ervation of the battlefield in its historic condition; or

18 ~~(2)~~ for normal day-to-day operation and main-
 19 tenance of any property.

20 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
 22 as are necessary to carry out this title, to remain available
 23 until expended.

1 **SEC. 206. REPEAL.**

2 (a) ~~IN GENERAL.~~—This title is repealed as of the
3 date that is 10 years after the date of enactment of this
4 title.

5 (b) ~~NO EFFECT ON GENERAL AUTHORITY.~~—The
6 Secretary may continue to conduct battlefield studies in
7 accordance with other authorities available to the Sec-
8 retary.

9 (c) ~~UNOBLIGATED FUNDS.~~—Any funds made avail-
10 able under this title that remain unobligated shall be cred-
11 ited to the general fund of the Treasury.

12 ***TITLE I—REVOLUTIONARY WAR***
13 ***AND WAR OF 1812 HISTORIC***
14 ***PRESERVATION STUDY***

15 ***SECTION 101. SHORT TITLE.***

16 *This title may be cited as the “Revolutionary War and*
17 *War of 1812 Historic Preservation Study Act of 1995”.*

18 ***SEC. 102. FINDINGS.***

19 *Congress finds that—*

20 (1) *Revolutionary War sites and War of 1812*
21 *sites provide a means for Americans to understand*
22 *and interpret the periods in American history during*
23 *which the Revolutionary War and War of 1812 were*
24 *fought;*

25 (2) *the historical integrity of many Revolution-*
26 *ary War sites and War of 1812 sites is at risk because*

1 *many of the sites are located in regions that are un-*
2 *dergoing rapid urban or suburban development; and*
3 *(3) it is important, for the benefit of the United*
4 *States, to obtain current information on the signifi-*
5 *cance of, threats to the integrity of, and alternatives*
6 *for the preservation and interpretation of Revolution-*
7 *ary War sites and War of 1812 sites.*

8 **SEC. 103. DEFINITIONS.**

9 *In this title:*

10 *(1) DIRECTOR.—The term “Director” means the*
11 *Director of the National Park Service.*

12 *(2) REVOLUTIONARY WAR SITE.—The term “Rev-*
13 *olutionary War site” means a site or structure situ-*
14 *ated in the United States that is thematically tied*
15 *with the nationally significant events that occurred*
16 *during the Revolutionary War.*

17 *(3) SECRETARY.—The term “Secretary” means*
18 *the Secretary of the Interior.*

19 *(4) WAR OF 1812 SITE.—The term “War of 1812*
20 *site” means a site or structure situated in the United*
21 *States that is thematically tied with the nationally*
22 *significant events that occurred during the War of*
23 *1812.*

1 **SEC. 104. STUDY.**

2 (a) *PREPARATION.*—*The Secretary, acting through the*
 3 *Director, shall work with State, local, nonprofit, and pri-*
 4 *vate entities to prepare a study of Revolutionary War sites*
 5 *and War of 1812 sites.*

6 (b) *MATTERS TO BE ADDRESSED.*—*The study under*
 7 *subsection (a) shall—*

8 (1) *identify Revolutionary War sites and War of*
 9 *1812 sites, including sites within units of the Na-*
 10 *tional Park System in existence on the date of enact-*
 11 *ment of this Act;*

12 (2) *determine the relative significance of the*
 13 *sites;*

14 (3) *assess short- and long-term threats to the in-*
 15 *tegrity of the sites;*

16 (4) *provide alternatives for the preservation and*
 17 *interpretation of the sites by Federal, State, and local*
 18 *governments, or other public or private entities, as*
 19 *may be appropriate; and*

20 (5) *research and propose land preservation tech-*
 21 *niques.*

22 (c) *CONSULTATION.*—*During the preparation of the*
 23 *study under subsection (a), the Director shall consult*
 24 *with—*

25 (1) *the Governor of each affected State;*

26 (2) *each affected unit of local government;*

1 (3) *State and local historic preservation organi-*
2 *zations;*

3 (4) *scholarly organizations; and*

4 (5) *such other interested parties as the Secretary*
5 *considers advisable.*

6 (d) *TRANSMITTAL TO CONGRESS.*—*Not later than 2*
7 *years after the date on which funds are made available to*
8 *carry out the study under subsection (a), the Director shall*
9 *transmit a report describing the results of the study to the*
10 *Committee on Resources of the House of Representatives*
11 *and the Committee on Energy and Natural Resources of*
12 *the Senate.*

13 (e) *REPORT.*—*If the Director submits a report on the*
14 *study to the Director of the Office of Management and*
15 *Budget, the Secretary shall, pending approval by the Direc-*
16 *tor of the Office of Management and Budget, transmit cop-*
17 *ies of the report to the Committee on Resources of the House*
18 *of Representatives and the Committee on Energy and Natu-*
19 *ral Resources of the Senate.*

20 (f) *PERMISSION FROM PRIVATE PROPERTY OWN-*
21 *ERS.*—*The Secretary may not include private property in*
22 *a report transmitted to Congress under subsection (d) or*
23 *(e) without consent from the owner of the property.*

1 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to carry out*
 3 *this title \$750,000, to remain available until expended.*

4 **TITLE II—AMERICAN BATTLE-**
 5 **FIELD PROTECTION PRO-**
 6 **GRAM**

7 **SEC. 201. SHORT TITLE.**

8 *This title may be cited as the “American Battlefield*
 9 *Protection Act of 1995”.*

10 **SEC. 202. PURPOSE.**

11 *The purpose of this title is to assist citizens, public*
 12 *and private institutions, and governments at all levels in*
 13 *planning, interpreting, and protecting sites where historic*
 14 *battles were fought on American soil during the armed con-*
 15 *flicts that shaped the growth and development of the United*
 16 *States, in order that present and future generations may*
 17 *learn and gain inspiration from the ground where Ameri-*
 18 *cans made their ultimate sacrifice.*

19 **SEC. 203. PRESERVATION ASSISTANCE.**

20 *(a) IN GENERAL.—Notwithstanding any other provi-*
 21 *sion of law, using the established national historic preserva-*
 22 *tion program to the extent practicable, the Secretary of the*
 23 *Interior, acting through the American Battlefield Protection*
 24 *Program, shall encourage, support, assist, recognize, and*
 25 *work in partnership with citizens, Federal, State, local, and*
 26 *tribal governments, other public entities, educational insti-*

1 *tutions, and private nonprofit organizations in identifying,*
 2 *researching, evaluating, developing, managing, interpret-*
 3 *ing, and protecting historic battlefields and associated sites*
 4 *on a National, State, and local level.*

5 (b) *FINANCIAL ASSISTANCE.—To carry out subsection*
 6 *(a), the Secretary may use a cooperative agreement, grant,*
 7 *contract, or other generally accepted means of providing fi-*
 8 *nancial assistance.*

9 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated such sums as*
 11 *are necessary to carry out this title, to remain available*
 12 *until expended.*

13 **SEC. 205. REPEAL.**

14 (a) *IN GENERAL.—This title is repealed as of the date*
 15 *that is 10 years after the date of enactment of this title.*

16 (b) *NO EFFECT ON GENERAL AUTHORITY.—The Sec-*
 17 *retary may continue to conduct battlefield studies in ac-*
 18 *cordance with other authorities available to the Secretary.*

19 (c) *UNOBLIGATED FUNDS.—Any funds made available*
 20 *under this title that remain unobligated shall be credited*
 21 *to the general fund of the Treasury.*

Amend the title so as to read: “A bill to provide for the study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes.”.